

REMARKS

The above-noted cancellation of claims 1-20, and addition of new claims 21-43, are respectfully submitted prior to initiation of the prosecution of this application in the U.S. Patent and Trademark Office.

The above-noted new claims are respectfully submitted in order to more clearly and appropriately claim the subject matter which Applicant considers to constitute his inventive contribution. No new matter is included in these amendments.

Applicant submits five (5) sheets of formal drawings containing FIGS. 1-6B.

With respect to the Election Requirement, mailed October 2, 2002, Applicant affirms its election to proceed with Species 1 shown in FIG. 1 of the application. Applicant believes that new claims 21-43 read on FIG. 1. Applicant also affirms election of Sub-Species D shown in FIG. 4A. Applicant believes that claims 21-29, 31-33, 35-36 and 41-43 read on FIG. 4A.

In view of the above, it is respectfully requested that these amendments now be entered, and that prosecution on the merits of this application now be initiated. If, however, for any reason the Examiner does not believe such action can be taken, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any objections which he may have.

Application No.: 09/815,504

Docket No.: SPINE 3.0-2658

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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